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**AN ORDINANCE OF THE LIVERMORE CITY COUNCIL
AMENDING CHAPTER 2.14 OF THE LIVERMORE MUNICIPAL
CODE AND REVISING THEREBY THE PROVISIONS RELATING
TO ELECTION CAMPAIGN CONTRIBUTIONS**

The City Council of the City of Livermore does ordain as follows:

Section 1: Livermore Municipal Code Section 2.14.030 is hereby amended to read as follows:

2.14.030 Definitions.

For the purpose of this chapter, definitions codified in the Political Reform Act, beginning at Section 82000 et seq., shall apply to this chapter, with the additions of subsection C of this section and the following additional requirements to subsections A and B of this section:

A. "Campaign statement" means an itemized statement prepared in duplicate by a candidate and by the treasurer of each committee, showing, in addition to matters required by law, the following information:

1. The name, complete mailing address, occupation and place of employment, and business address if self employed, of any person who paid, loaned, contributed or otherwise furnished \$25.00 or more, or its equivalent, to the candidate or treasurer for the candidate, or to each committee as defined in subsection B of this section, for the use of such candidate or such treasurer, directly or indirectly, in aid of the candidate's election, or for qualification, passage or defeat of any measure, and the amount, in detail, of such money or its equivalent each such person paid, loaned, contributed or otherwise furnished;

2. The purchase of any tickets cumulatively totaling \$25.00, or more, for any fundraising event, regardless of number purchased, value of each ticket, or frequency of purchase, is subject to the provisions of subsection (A)(1) of this section;

3. The donation of \$25.00 or more, to any "kitty" at any campaign event is subject to the provisions of subsection (A)(1) of this section;

4. All expenditures of \$25.00 or more shall be itemized in detail, with the amount and names of persons and/or concerns where the moneys were expended;

5. This definition also modifies "Contents of a Campaign Statement," codified at Government Code Section 84210 with regard to additional city requirements.

B. "Committee" means:

1. A committee, person or group of persons organized for the purpose or charged with the duty of conducting or aiding the election campaign,

including fundraising events, or any candidate for municipal office of the city, or for the support or defeat of a measure under consideration in the city;

2. Any committee, person or group of persons aiding, directly or indirectly, any candidate, measure or committee, as defined in subsection (B)(1) of this section, whether or not originally organized for election purposes.

C. "Election period" means that period of time commencing on the 58th day following a general, municipal or special municipal election in which there were municipal candidates or measures, and extending to 12:00 noon of the fifth day (Thursday) before the next general, municipal or special municipal election in which there are municipal candidates or measures. The "election period" for the offices of Mayor and Councilperson is the term related to the specific office involved such that the election period for an office involving the election of municipal candidate shall be from the 58th day following a general election for that office until the next election at which that specific office is subject to election.

Section 2: Livermore Municipal Code Section 2.14.030 is hereby amended to read as follows:

2.14.040 Contributions – Restrictions generally.

A. No contribution shall be accepted by any candidate or committee except during an election period.

B. No person or committee shall make any contribution or contributions (including loans and nonmonetary) which exceed the aggregate amount of \$250.00 during any election period.

C. Return of Excess Contributions. If the contribution limitation set forth in subsection B of this section is exceeded, the candidate must, within 15 days after receipt, return to the contributor the excess amount in monetary value form.

D. Limits Applied Separately. The candidate contribution limit of subsection B of this section applies to each person. Therefore, a husband and wife may each make contributions up to the specified limit, including contributions made from shared or community property. When a husband or wife makes a contribution to a candidate or committee, using a joint checking account or other instrument, the contribution will apply to the spouse signing the check.

E. Nothing in this section shall limit the amount which a candidate may contribute to his or her campaign for an elected city office.

F. The prohibitions stated in subsection B of this section shall not apply to contributions made or received in support of, or in opposition to, a ballot measure. (Ord. 1219 \pm 2, 1986)

Section 3: Livermore Municipal Code Section 2.14.050 is hereby amended to read as follows:

2.14.050 Anonymous contributions.

A. Any committee, person or group of persons other than the official election organization of a candidate who expends funds on behalf of a candidate shall, prior to the expenditure, receive authorization in writing from the treasurer of the candidate's election organization. All contributions or expenditures by such committees, persons or groups of persons shall be deemed to be on behalf of the candidate for purposes of this chapter.

B. Notwithstanding the provisions of LMC 2.14.020 (A)(1), a candidate shall be permitted to accept and retain anonymous contributions up to an aggregate limit of \$50.00 per reporting period. The total amount of such contributions shall be stated on the campaign statement. If the total of anonymous contributions exceeds \$50.00 in any one reporting period, the excess shall be paid to the finance director of the city within one business day after the next reporting date. (Ord. 1219 π 2, 1986)

Section 4: Livermore Municipal Code Section 2.14.060 is hereby amended to read as follows:

2.14.060 Filing of verified campaign expenditures statement.

A. To insure full disclosure, each committee or its treasurer shall disclose all expenditures on behalf of the candidate to the candidate or his or her treasurer not later than one business day after the expenditure.

B. Cumulative preliminary campaign statements shall be filed by the following dates by the candidate and each committee:

1. No later than 40 days prior to the election; this report closes 45 days prior to the election;

2. No later than 12 days prior to the election; this report closes 17 days prior to the election

3. An additional final contributions disclosure statement shall be filed with the city clerk during regular business hours on the Thursday preceding the election; this report closes at 12:00 noon on the date of filing. This report is in addition to the reports required to be filed under state law in Government Code Section 84200;

4. The final post-election campaign statement will be filed not later than January 31st of the year following the election in accordance with the provisions of the Political Reform Act. In the event that the date of the City election changes, the final post-election report shall be filed on a semi-annual basis in accordance with the provisions of the Political Reform Act.

5. Filing must be received by the city clerk, by 5:00 p.m., and is not accomplished by depositing in the mail;

6. Each committee supporting or opposing a measure shall file its expenditure reports in accordance with the provisions of the Political Reform Act.

Section 5: Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance.

Section 6: Publication

This ordinance or a comprehensive summary thereof shall be published once in a newspaper of general circulation of the City of Livermore within fifteen days after its adoption and shall take effect thirty days after its adoption.

The foregoing ordinance was introduced and read at the regular meeting of the City Council of the City of Livermore held on the 7th day of June, 2004, by the following vote

AYES: COUNCILMEMBER REITTER, LEIDER, MAYOR KAMENA

NOES: COUNCILMEMBER BEEMAN, DIETRICH

ABSENT: None

And, finally adopted at the regular meeting of said Council held on the 12th day of July, 2004, by the following vote:

AYES: COUNCILMEMBERS Beeman, Dietrich, Leider, Reitter, Mayor Kamena

NOES: COUNCILMEMBERS None

ABSENT: COUNCILMEMBERS None

(d)(5)

MAYOR, CITY OF LIVERMORE, CALIFORNIA

ATTEST:

(d)(5)

CITY CLERK

APPROVED AS TO FORM:

(d)(5)

CITY ATTORNEY

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ORDINANCE NO. 1731

ORDINANCE NO. 1219

AN ORDINANCE AMENDING THE LIVERMORE MUNICIPAL CODE
BY REPEALING CHAPTER 2.64 AND ADDING A NEW CHAPTER 2.64
RELATING TO ELECTION CAMPAIGN CONTRIBUTIONS

THE LIVERMORE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2.64 of the Livermore Municipal Code relating to Election Campaign Contributions is repealed.

Section 2. New Chapter 2.64 of the Livermore Municipal Code relating to Election Campaign Contributions is added to read as follows:

"CHAPTER 2.64

ELECTION CAMPAIGN CONTRIBUTIONS

2.64.010 Findings and purpose--Statutory authority.

Pursuant to the authority granted to the City Council in Government Code Section 81013 permitting the imposition of additional local requirements to the Political Reform Act of 1974, the City Council hereby finds that it is in the public interest to place realistic and enforceable limits on the amounts which may be contributed to political campaigns in municipal elections, and that candidates and treasurers of committees aiding such candidates make a full and fair declaration containing a disclosure of the persons making contributions, the persons to whom expenditures are made, and the amounts of such expenditures.

2.64.020 Definitions

For the purpose of this chapter, definitions codified in the Political Reform Act, beginning at Section 82000 et seq., shall apply to this chapter, with the additions of subsection C below and the following additional requirements to subsections A and B below:

A. "Campaign statement" means an itemized statement prepared in duplicate by a candidate and by the treasurer of each committee, showing, in addition to matters required by law, the following information:

1. The name, complete mailing address, occupation and place of employment, and business address if self-employed, of any person who paid, loaned, contributed or otherwise furnished \$25.00 or more, or its equivalent, to the candidate or treasurer for the candidate, or to each committee as defined in subsection B below, for the use of such candidate or such treasurer, directly or indirectly, in aid of the candidate's election, or for qualification, passage or defeat of any measure and the amount, in detail, of such money or its equivalent each such person paid, loaned, contributed or otherwise furnished.

2. The purchase of any tickets cumulatively totaling \$25.00, or more, for any fundraising event, regardless of number purchased, value of each ticket, or frequency of purchase, is subject to the provisions of subsection A.1. above.

3. The donation of \$25.00, or more, to any "kitty" at any campaign event is subject to the provisions of subsection A.1. above.

4. All expenditures in excess of \$25.00 shall be itemized in detail, with the amount and names of persons and/or concerns where the moneys were expended.

5. This definition also modifies "Contents of a Campaign Statement," codified at Government Code Section 84210 with regard to additional city requirements.

B. "Committee" means:

1. A committee, person or group of persons organized for the purpose or charged with the duty of conducting or aiding the election campaign, including fundraising events, or any candidate for municipal office of the city, or for the support or defeat of a measure under consideration in the city.

2. Any committee, person or group of persons aiding, directly or indirectly, any candidate, measure or committee, as defined in subsection B.1. above, whether or not originally organized for election purposes.

C. "Election period" means that period of time commencing on the fifty-eighth day following a general, municipal or special municipal election in which there were municipal candidates or measures, and extending to 12:00 noon of the fifth day (Thursday) before the next preceding general, municipal or special municipal election in which there are municipal candidates or measures.

2.64.030 Contributions--Restrictions generally.

A. No contribution shall be accepted by any candidate or committee except during an election period.

B. No person or committee shall make or accept any contribution or contributions (including loans and non-monetary) which exceed the aggregate amount of \$100.00.

C. Return of Excess Contributions - If the contribution limitation set forth in Section B is exceeded, the candidate must, within 15 days after receipt, return to the contributor the excess amount in monetary value form.

D. Limits Applied Separately - The candidate contribution limit of the City of Livermore Municipal Code Section B applies to each person. Therefore, a husband and a wife may each make contributions up to the specified limit, including contributions made from shared or community property. When a husband or wife make a contribution to a candidate or committee, using a joint checking account or other instrument, the contribution will apply to spouse signing the check.

E. Nothing in this section shall limit the amount which a candidate may contribute to his or her campaign for an elected city office.

F. The prohibitions stated in subsection B above shall not apply to contributions made or received in support of, or in opposition to, a ballot measure.

2.64.040 Anonymous Contributions.

A. Any committee, person or group of persons other than the official election organization of a candidate who expends funds on behalf of a candidate shall, prior to the expenditure, receive authorization in writing from the treasurer of the candidate's election organization. All contributions or expenditures by such committees, persons or groups of persons shall be deemed to be on behalf of the candidate for purposes of this chapter.

B. Notwithstanding the provisions of Section 2.64.020 A.1., a candidate shall be permitted to accept and retain anonymous contributions up to an aggregate limit of \$50.00 per reporting period. The total amount of such contributions shall be stated on the campaign statement. If the total of anonymous contributions exceeds fifty dollars in any one reporting period, the excess shall be paid to the Finance Director of the City within one business day after the next reporting date.

2.64.050 Filing of verified campaign expenditures statement.

A. To insure full disclosure, each committee or its treasurer shall disclose all expenditures on behalf of the candidate to the candidate or his or her treasurer not later than one business day after the expenditure.

B. Cumulative preliminary campaign statements shall be filed by the following dates by the candidate and each committee:

1. No later than forty days prior to the election; this report closes forty-three days prior to the election;

2. No later than twelve days prior to the election; this report closes fifteen days prior to the election.

3. An additional final contributions disclosure statement shall be filed with the City Clerk during regular business hours on the Thursday preceding the election; this report closes at 12:00 noon on the date of filing. This report is in addition to the reports required to be filed under state law in Government Code Section 84200;

4. The final post-election campaign statement will be filed sixty-five days after the election, or in the case of a successful candidate, not later than the day preceding the day on which he or she takes office. The statement shall close seven days prior to the filing deadline.

5. Filing must be received by City Clerk, 5:00 p.m., and is not accomplished by depositing in mail.

6. Each committee supporting or opposing a measure shall file its additional city requirements on the due date of the state forms. Its final contribution disclosure statement shall be filed in accordance with subsection B.3. of this section.

2.64.070 Enforcement.

Violation of any of the provisions of this chapter shall be considered an infraction under the provisions of Section 1.16.010 of this Code. To provide additional enforcement of this Chapter;

A. The City Attorney is authorized to sue for injunctive relief to enjoin violations or compel compliance with the provisions of this chapter, and

B. The City Clerk is authorized to apply the provisions of Government Code Section 91013 to violations of this chapter regarding late filings.

Section 3. This Ordinance or a comprehensive summary thereof shall be published once in a newspaper of general circulation in the City of Livermore within fifteen days after its adoption and shall take effect and be in force thirty days from and after its adoption.

The foregoing Ordinance was introduced and read at the regular meeting of the City Council of the City of Livermore held on the 10th day of November, 1986, and finally adopted at the regular meeting of said Council held on the 24th day of November, 1986, by the following vote:

AYES: COUNCILMEMBERS Vargas, Wieskamp, Bartoli & Mayor Turner

NOES: COUNCILMEMBER Brown

ABSENT: NONE

(d)(5)

MAYOR, CITY OF LIVERMORE, CALIFORNIA

ATTEST:

(d)(5)

CITY CLERK

APPROVED AS TO FORM:

(d)(5)

CITY ATTORNEY